

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office APR 11 1958
 Returned to applicant for correction _____
 Corrected application filed _____

The undersigned Frank McCleary Cattle Co.
Name of applicant
 of Winnemucca (Paradise Valley), County of Humboldt,
 State of Nevada, hereby makes application for
 permission to appropriate the public waters of the State of Nevada, as
 hereinafter stated. (If applicant is a corporation, give date and place
 of incorporation.) State of Nevada, February 7, 1952

1. The source of the proposed appropriation is Martin Creek and
Name of stream, lake or other source
Tributaries.
2. The amount of water applied for is Two Hundred (200) second-feet.
One second-foot equals 40 miners' inches
3. The water to be used for Irrigation and domestic
Irrigation, power, mining, manufacturing, domestic, or other use.
4. The water is to be diverted from its source at the following point:
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 14, T. 42 N., R. 40 E., M.D.B.&M. where Martin Creek
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
divides into East and West branches. (See note under remarks of 7)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is 20,000
Lies in Tps. 39, 40 & 41, N., Rs. 39 and 40 E., M.D.B.&M. This
- (b) Description of land to be irrigated 39 and 40 E., M.D.B.&M. This
Describe by legal subdivision, or if on unsurveyed land it should
application simultaneously filed in con-
junction with three others is intended to supplement said other applica-
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.
tions as well as to supplement and fill the vested rights of applicant.
All or parts of Sections 1, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35 & 36, T.
40 N., R. 39 E., MD.B.&M. All or parts of Sections 6, 7, 17, 18, 19, 30 & 31,
T. 40 N., R. 40 E., M.D.B.&M. Portion of Section 1, T. 39 N., R. 39 E.,
M.D.B.&M. All or parts of Sections 25 & 36, T. 41 N., R. 39 E., M.D.B.&M.
All or parts of Sections 30 & 31, T. 41 N., R. 40 E., M.D.B.&M.
- (c) Use will begin about Jan. 1st and end about Dec. 31st, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is -- horsepower.
- (e) Place of use --
Give location of place of use by legal subdivision
- (f) Point of return of water to stream --
Describe in same manner as point of diversion
- (g) State number and kinds of animals to be watered --

- (h) Use will begin about -- and end about --, of each year.
Month Month
 Applicant has vested rights to certain waters of the sources but due to
 (i) Remarks existing physical, climatic and other conditions and limit-
ations, water to supply these lands is not always available to fill
applicant's necessities and rights during the season between April 1st
and Oct. 1st each year. This filing is made in order to take advantage
of the flood and normal supply throughout the year when available and to
use it in large heads when available also to keep the channels in condit-
ion and to supply the underground water table and hold it at a safe leve-
for crops and pasture. Martin creek is deemed to be tributary of Cotton
wood Creek through the West branch of Martin Creek where the waters of
the West Branch have heretofore joined Cottonwood Creek.

DESCRIPTION OF PROPOSED WORKS

Concrete, rock and timber diversion dams and headgates of 200 c.f.s.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water capacity. The existing irrigation system of sloughs, ditches and channels is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions. of various sizes will be used and enlarged where necessary.

5. Estimated cost of works \$15,000.00 to \$20,000.00

6. Estimated time required to construct works five years.

The waters of Martin Creek are to be carried through the West branch thereof into

7. Remarks Cottonwood Creek of which said branch was and is a tributary and thence diverted as shown on the For use of applicant companion applications herein referred to, and rediverted from Martin Creek through the existing irrigation system.

FRANK McCLEARY CATTLE CO., Applicant.

By s/ Frank McCleary

Compared HS/LB

Protested June 3, 1958 by Dwight G. Vedder; 6-23-58 by Quarter Circle Y Ranch; by G. Cerri; by Wm. Stock Farming Co. 6-25-58 by Bullhead Cattle Co.

See Ruling 201

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby ~~grant~~ ^{deny} the same, ~~subject to the following conditions and conditions~~ on the grounds that there is no unappropriated water in the source during the irrigation season, and that the granting, therefore, would impair the value of existing rights and be detrimental to the public welfare.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

. Proof of the application of water to beneficial use must be filed with State Engineer on or before

Map filed May 15, 1950 under/

WITNESS MY HAND AND SEAL this 8th day

Commencement of work filed

of May, 1964

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

ELMO J. DERICCO

Recorded Bk. Page

State Engineer.

BY:

George W. Hennen

Assistant State Engineer